

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley, <i>Co-Chair</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Elliot R. Feldman, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
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VIA ECF AND FACSIMILE

August 13, 2015

The Honorable Frank Maas
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 740
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (FM)

Dear Judge Maas:

I write on behalf of the Plaintiffs' Executive Committees to request that the remaining deadlines for filing motions to compel, set forth in Your Honor's June 16, 2015 Order (ECF No. 2963), be extended. Rather than addressing the extensions piecemeal, we are proposing the anticipated extensions necessary for each of the motions. Plaintiffs wrote to the defendants to request their consent to the proposed extensions. After canvassing the defendants, Mr. Alan Kabat, Liaison Counsel for the Defendants' Executive Committee, responded that "defendants do not oppose the requested relief, provided that the defendants also get the corresponding enlargement of time for their oppositions." Plaintiffs respectfully submit that recent activity in the litigation and other anticipated issues merit adjusting the deadlines as discussed below.

During the recent conference before the Court on July 30, 2015, Judge Daniels advised that he intends to issue a decision as to defendant Abdul Rahman al Swailem's pending renewed motion to dismiss by August 17, 2015. Although the current deadline for plaintiffs' motion to compel as to al Swailem and other of the charity officials¹ in discovery is set for August 17, 2015,² plaintiffs respectfully submit that a two-week extension of the deadline to August 31,

¹ The other defendant charity officials are Abdullah Omar Naseef, Abdullah al Obaid, Adnan Basha, and Abdullah al Turki.

² The Court's Order set the deadline at Saturday, August 15. But Rule 6(a)(1)(C) causes the Saturday deadline to shift to Monday, August 17, 2015.

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2015 will provide the parties with time to analyze and digest the Court's opinion and further address the import of that ruling as it relates to discovery.

Motions to compel as to defendants Al Haramain Islamic Foundation, Inc. (USA), Sana-Bell, Inc. and Sanabel al Kheer, Inc. are presently due on August 30. Plaintiffs propose to extend the deadline two weeks to September 14.

Finally, the deadline for filing motions to compel as to defendants Muslim World League ("MWL"), International Islamic Relief Organization ("IIRO"), World Assembly of Muslim Youth ("WAMY"), Dallah Avco and Yassin al Kadi is currently set for September 30, 2015. However, plaintiffs anticipate that activities surrounding Pope Francis' visit to Washington D.C., New York and Philadelphia at the end of September will cause significant disruptions to the work schedules of the attorneys in those cities. In Philadelphia, for instance, city leaders are expecting approximately 2 million people during the week of the papal visit and are warning of massive road closures and interruptions to public transportation. Several large businesses and universities in Philadelphia have already announced plans to close their offices in advance of the Pope's visit, and Cozen O'Connor (counsel for the *Federal Insurance* plaintiffs) is contemplating the same.

In addition, defendant Yassin al Kadi served plaintiffs with another document production this week and promises another significant production is forthcoming. The proposed extension of the September 30 deadline will provide plaintiffs with the necessary time to analyze and discuss those productions.

Further, defendant Dallah Avco recently advised that it has reached out to the Saudi Presidency of Civil Aviation ("PCA") requesting clarification regarding the confidentiality designation it has applied to certain of the Air Navigation System Support Project ("ANSS") documents Dallah Avco has produced in discovery, relative to Omar al Bayoumi (who Your Honor may recall was a subject of substantial discussion before Judge Daniels in the recent hearing). Plaintiffs believe that additional time will allow Dallah Avco to fully engage the PCA on that issue and confer with the plaintiffs.

Accordingly, plaintiffs seek to extend the deadline for the MWL, IIRO, WAMY, Dallah Avco and Kadi motions to October 30, 2015.

In sum, the proposed extensions will adjust the remaining deadlines in the current briefing schedule as follows:

- August 31, 2015 – Deadline for motions to compel as to defendants Abdul Rahman al Swailem, Abdullah Omar Naseef, Abdullah al Obaid, Adnan Basha, and Abdullah al Turki; defendants' oppositions extended to October 5, 2015; plaintiffs' reply briefs extended to October 26, 2015.
- September 14, 2015 – Deadline for motions to compel as to defendants Al Haramain Islamic Foundation, Inc. (USA), Sana-Bell, Inc., and Sanabel al Kheer, Inc.;

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defendants' oppositions extended to October 19, 2015; plaintiffs' reply briefs extended to November 9, 2015.

- October 30, 2015 – Deadline for motions to compel as to defendants Muslim World League, International Islamic Relief Organization, World Assembly of Muslim Youth-Saudi Arabia, World Assembly of Muslim Youth-International, Dallah Avco and Yassin al Kadi; defendants' oppositions extended to December 18, 2015; plaintiffs' reply briefs extended to January 8, 2016.

The parties thank Your Honor for the Court's attention to this matter.

Respectfully submitted,



J. Scott Tarbutton, Esq.

THE MDL 1570 PLAINTIFFS' EXECUTIVE
COMMITTEES

JST

cc: The Honorable George B. Daniels (via overnight UPS delivery)
MDL-1570 Counsel of Record (via email)